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COUNTY OF YUBA and YUBA COUNTY
SHERIFF'S OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

ESTATE OF F.R., et al.,

Plaintiffs,

vs.

COUNTY OF YUBA, et al.,

Defendants.

Case No. 2:23-cv-00846-WBS-CKD

**ORDER FOR FILING
FIRST AMENDED COMPLAINT**

The parties—the Estate of F.R. and Lori Rosiles (collectively, “Plaintiffs”) and the County of Yuba and Yuba County Sheriff’s Office (collectively, “Defendants”)—submit the following [Proposed] Order for Filing First Amended Complaint.

1 1. The parties previously stipulated that Plaintiffs shall have leave to file a First Amended
2 Complaint, pursuant to Federal Rule of Civil Procedure 15(a)(2). ECF No. 19. Thereafter, Plaintiffs filed
3 the First Amended Complaint. ECF No. 20. Thus, the First Amended Complaint is the currently-
4 operative pleading in this case. *See, e.g.*, 6 Wright & Miller, Fed. Prac. & Proc. Civ. § 1490 (3d ed.) (“If
5 consent is secured, the usual motion procedure need not be followed. The pleaders right to amend is not
6 subject to the courts discretion and the court must permit the amendment to be filed.”); *Fern v. United*
7 *States*, 213 F.2d 674, 677 (9th Cir. 1954) (“Once the adverse party has consented to the amendment of a
8 pleading, the court has no control over the matter under Rule 15(a).”); *Bilmar Drilling, Inc. v. IFG*
9 *Leasing Co.*, 795 F.2d 1194, 1199 (5th Cir. 1986) (“if the adverse party had consented to amendment, the
10 court has no control over the matter” (citing *Fern*, 213 F.2d at 677)).

11 2. The Court’s courtroom deputy has requested that the parties “e-file a proposed order to
12 accompany th[e] stipulation, for the [J]udge’s review and consideration.” Accordingly, the parties submit
13 the instant proposed order.

14 Dated: April 12, 2024

Respectfully Submitted,
LAW OFFICE OF MARK E. MERIN

/s/ Mark E. Merin

By: _____
Mark E. Merin
Paul H. Masuhara
Attorneys for Plaintiffs
ESTATE OF F.R. and LORI ROSILES

21 Dated: April 15, 2024

Respectfully Submitted,
P O R T E R | S C O T T

/s/ Matthew W. Gross
(as authorized on April 15, 2024)

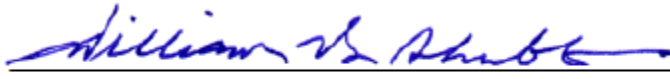
By: _____
Carl L. Fessenden
Matthew W. Gross
Attorneys for Defendants
COUNTY OF YUBA and YUBA COUNTY
SHERIFF’S OFFICE

ORDER

Pursuant to the parties' stipulation, ECF No. 19, and the filing of Plaintiffs' First Amended Complaint, ECF No. 20, Plaintiffs' currently-operative pleading in this case is the First Amended Complaint, pursuant to Federal Rule of Civil Procedure 15(a)(2).

IT IS SO ORDERED.

Dated: April 16, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE